

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR  
ADMISSIONS, INC.,**

**Plaintiff,**

**v.**

**UNIVERSITY OF NORTH  
CAROLINA et al.,**

**Defendants.**

**MOTION FOR LEAVE TO FILE SURREPLY**

Pursuant to Fed. R. Civ. P. 7(b) and the Local Rules of this Court, Plaintiff Students for Fair Admissions, Inc. (“SFFA”) requests that the Court grant it leave to file a short surreply in order to respond to points Defendants (“UNC”) raised for the first time in a reply brief (Dkt. 115). Counsel for SFFA consulted with counsel for UNC about the relief requested in this motion, and UNC takes no position on this motion.

1. On October 25, 2017, 2017, UNC filed a motion to dismiss challenging SFFA’s associational standing (Dkt. 106), along with an accompanying memorandum arguing that the Court should adjudge SFFA’s associational standing under the *Hunt* “indicia-of-membership” test and that SFFA cannot meet this test (Dkt. 107).

2. On November 15, 2017, SFFA filed an opposition to that motion (Dkt. 113). SFFA explained that the “indicia of membership” test does not apply to voluntary membership organizations like SFFA but that SFFA meets that test in any event.

3. Although governing law requires that SFFA need only one member with standing and Standing Member #1 clearly fills that bill, SFFA noted that it has several other members with standing.

4. As made clear in SFFA's filings, two of its standing members were rejected for admission into the 2017 freshman class at UNC and recently decided to join SFFA and become standing members ("Standing Members 5 & 6").

5. Notwithstanding the fact that it declined to depose several of SFFA's standing members when it had ample time and opportunity to do so, UNC requests that the Court permit it to take the depositions of Standing Members 5 & 6.

6. Fairness dictates that SFFA be permitted to file a short surreply in order to respond to this request.

7. SFFA files contemporaneously herewith a brief in support of this motion. WHEREFORE, SFFA respectfully requests that the Court grant this motion and grant SFFA leave to file a surreply of no more than 4 pages.

**Respectfully submitted this 5th day of December, 2017.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2017, I filed a true and correct copy of the foregoing Motion for Leave to File Surreply with the Clerk of Court using the CM/ECF system, which will be served on all registered users.

This 5th day of December, 2017.

/s/ Thomas R. McCarthy